IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 681 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VASO KELVANI MANDAL THRO' PRESIDENT

Versus

RAKESHKUMAR NATVARLAL RAO

Appearance:

MR GM JOSHI for the Petitioner.

MR KB PUJARA for Respondent No. 1

MR BN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/03/2004

ORAL JUDGEMENT

The petitioner is the original defendant. By filing this revision, the petitioner has challenged the order passed by the appellate court in Civil

Miscellaneous Appeal No.292 of 1996. By the impugned order, the appellate court has dismissed the said appeal preferred by the present petitioner, confirming the order passed by the trial court below Exhibit 5 in Civil Suit No.270 of 1996.

The impugned order is interlocutory in nature, as, ultimately, it arises out of the interim injunction. In view of the amendment in Section 115, this C.R.A. is not maintainable. The same is accordingly rejected on the ground that the same is not maintainable. Rule is discharged. Interim relief is vacated. No costs.

1st March, 2004 (P.B. Majmudar, J.)

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(apj)